(27)

AILLIAMS JESSIE M
77 STATE 216553

UNCLASSIFIED

UNCLASSIFIED
PAGE 01 STATE 216553
ORIGIN SCS-05
INFO OCT-01 ISO-00 CA-01 L-03 ARA-14 DHA-05 /022 R
DRAFTED BY CA/SCS/EAPOWERS:BROYLAN:RAM
APPROVED BY CA/SCS/SADOBRENCEUK
CA/SCS/RLRIVERA

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY _____ DATE _____
RDS☐or XDS☐EXT. DATE _____
TS AUTH. _____ REASON(S)
ENDORSE EXISTING MARKINGS ☑
DECLASSIFIED☐ RELEASABLE☐
RELEASE DENIED☐
PA or FOI EXEMPTIONS _____

O 292135Z SEP 77
FM SECSTATE WASHDC
TO AMEMBASSY GEORGETOWN IMMEDIATE
UNCLAS STATE 216553
E.O. 11652: N/A
TAGS: CGEN, CASC (STOEN, JOHN VICTOR)
SUBJECT: W/W: JOHN VICTOR STOEN
REF: GEORGETOWN 2175

1. DEPT. APPROVES OF EMBASSY'S SUPPORT AND ASSISTANCE FOR FAAS AS REPORTED REFTEL.
2. HOWEVER, EMBASSY IS INSTRUCTED NOT TO PROVIDE OFFICER TO ACCOMPANY FAAS TO SERVE PAPERS FOR FOLLOWING REASONS: A) UNDER FEDERAL REGULATIONS (22 C.F.R. 92.85) OFFICERS OF FOREIGN SERVICE ARE PROHIBITED FROM SERVING PROCESS OR APPOINTING OTHERS TO DO SO. DEPT HAS NO RECORD OF HAVING MADE AN EXCEPTION TO THIS REGULATION, DESPITE CIRCUMSTANCES MORE COMPELLING THAN THESE. TO DO SO IN THIS INSTANCE WOULD SET UNDESIRABLE PRECEDENT. (B) EVEN IF REGULATIONS DID NOT PRECLUDE CONSULAR OFFICER FROM SERVING PAPERS, ACTION WOULD BE SUBJECT TO LOCAL AND INTERNATIONAL LAW. DEPT NOT FAMILIAR WITH PERTINENT GUYANESE LAW BUT INTERNATIONAL LAW AS REFLECTED IN CONSULAR CONVENTIONS
UNCLASSIFIED
UNCLASSIFIED
PAGE 02 STATE 216553
PERMITS SERVICE OF PROCESS BY CONOFF ONLY WHEN DOCUMENTS ORIGINATE IN COUNTRY WHICH OFFICER REPRESENTS. (SEE, E.J. ART. 17 (1)(G) OF U.S. U.K. CONSULAR CONVENTION). IN THIS CASE DOCUMENTS ARE FROM GUYANESE COURT AND DEPT. UNAWARE OF ANY PROVISION OF INTL. LAW AUTHORIZING SERVICE IN SUCH CIRCUMSTANCES. (C) IN ANY EVENT CONSUL HAS NO JURISDICTION TO FORCE RECIPIENT TO ACCEPT SERVICE OF DOCUMENTS, SO HIS PRESENCE WOULD POINTLESS.
3. DEPT. HAS NO OBJECTION TO EMBASSY REQUEST TO APPROPRIATE MINISTRY FOR MAXIMUM EFFORT IN DELIVERING DOCUMENTS. VANCE
UNCLASSIFIED